UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

In re Holocaust Victims Asset Litigation	**Master Docket No. CV-96-4849**

DECLARATION OF NANCY B. RAPOPORT
REGARDING THE FEE APPLICATION OF BURT NEUBORNE

NANCY B. RAPOPORT declares based on personal knowledge as follows:

1. I am the Dean of the University of Houston Law Center. In addition to serving as Dean, I am a professor of law, with specialization in bankruptcy and legal ethics. I attach for the Court's consideration a copy of my curriculum vitae. I have been asked by Samuel Issacharoff, counsel to Burt Neuborne, to address two issues concerning Professor Neuborne's application for an award of attorneys' fees in the above referenced litigation. The issues are 1) the propriety of an hourly rate of $700 per hour for a lawyer of Neuborne's experience; and 2) whether law professors who participate in litigation typically charge an hourly rate based on a calculation of their academic salary divided by the number of hours in an academic year.

2. Over the course of my academic career, I have participated in litigation as an expert or consultant. For example, I am currently the fee expert for the bankruptcy court in the Mirant energy bankruptcy in Fort Worth, Texas. As such, I am paid $15,000 per month from the bankruptcy estate and will also be compensated at a rate of $750 per hour for

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preparation for depositions and final fee applications for my testimony in that case. In other consulting work that I have done in the past year, I have charged anything from $0 to $600 per hour. I have known of Professor Neuborne's reputation for years and, while preparing this affidavit, I reviewed his background. It is apparent that he is considerably senior to me as a lawyer. He has also had an extensive career as a law professor and as a lawyer, including many arguments before the U.S. Supreme Court. I find nothing surprising in an hourly rate for Professor Neuborne of $700 per hour, given his seniority and given the higher rates that prevail in New York, as compared to Houston.

3. I have been informed by counsel that a question has been raised whether law professors who participate in litigation are limited to an hourly increment equal to their academic salary divided by the number of hours spent as a professor in an academic year. I know of no obligation for law professors or any other lawyer to charge based on some notion of a marginal hourly rate. Lawyers charge market rates restricted only by the rules of ethics. Academic lawyers behave no differently. I am not familiar with any academic lawyer who participates in litigation charging rates any different than market rate. Many academic lawyers assume large pro bono obligations, but that is their choice, not the market's. Moreover, I am not aware of any court ever having discounted an academic lawyer's market rate because of the lower overhead of that lawyer. No court to my knowledge has ever paid a solo practitioner less than a large firm lawyer based on an inquiry into the cost structure of one lawyer's practice as opposed to another's. Lawyers get paid for what the market commands for their services, not what their profit structure might be.

4. I declare the foregoing is based on information known to me and that it is true and accurate to the best of my knowledge, subject to the laws against perjury pursuant to 28 U.S.C. § 1746.

Nancy B. Rapoport

Dated: January 18, 2006